

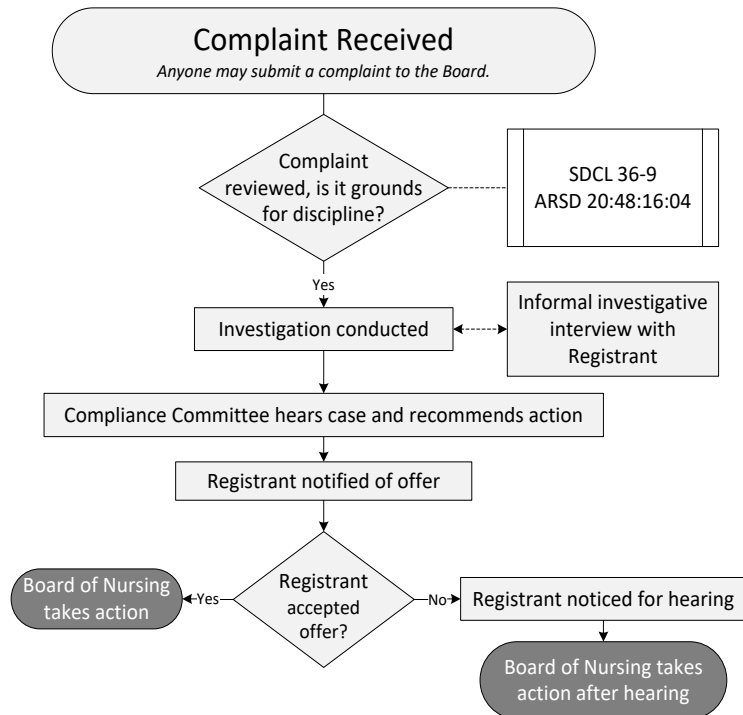


South Dakota Board of Nursing South Dakota Department of Health

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(605) 362-2770 | Fax 362-2768 | doh.sd.gov/boards/nursing

Due Process

- Any person who believes an Unlicensed Medication Aide, Unlicensed Diabetes Aide, or Unlicensed Dialysis Technician has committed a violation(s) of the Nurse Practice Act or other Administrative Rules may report the violation to the Board of Nursing in the form of a complaint. The Board maintains the confidentiality of a person making a complaint and information obtained during the Board's investigation to the extent allowed.
- The Board of Nursing staff investigates every complaint received that falls under the Board's legal jurisdiction.
- A Registrant, against whom a complaint has been made, is always afforded due process rights by the South Dakota Board of Nursing. As a part of due process, the registrant receives notice of the complaint and an informal meeting is conducted to discuss the complaint. Attendees at the meeting will include Board staff, the registrant, and attorneys if requested.
- Following the investigation, the Board may take several different actions. If the complaint is deemed frivolous or unfounded, the complaint will be dismissed. Or, if there is risk of imminent harm to the public, the Board may have an emergency meeting to consider immediate Board Action.
- The results of all investigations are heard by the Compliance Committee. This is a subcommittee of the full Board and meets prior to each regularly scheduled Board meeting. The Committee offers its recommended action to the registrant and, if accepted by the registrant, each case is then brought before the full Board. If the registrant rejects the Committee's recommended action, the Board proceeds with a contested case hearing under SDCL 1-26. The full Board, except the Compliance Committee members, will decide on appropriate Action, following the hearing. The formal action may be anything from **Dismissal** to **Revocation**, based on the nature of the violation.



Non-Disciplinary Action	Disciplinary Action
<ul style="list-style-type: none"> Dismissal of Complaint Letter of Concern 	<ul style="list-style-type: none"> Letter of Reprimand Denial of Registration Probation Suspension Revocation

- A Registrant has the right to request a Contested Case Hearing before the Board any time disciplinary action is recommended, or in the case of registration denial, suspension, or revocation.
- Board Actions involving discipline (not a Dismissal or Letter of Concern) will be published in the *Dakota Nurse Connection* magazine, on the South Dakota Board of Nursing website, and will be reported to the National Practitioner Data Bank (NPDB) as required by law.

More information is available on the South Dakota Board of Nursing website:

<http://doh.sd.gov/boards/nursing/complaints.aspx>